APPENDIX A

1. Beginning, at least in 1954 or 1955, and continuing up to the date of their purported marriage, Sarah Colby was having substantial, intimate correspondence with Scott Appleby (R. 97, 99, 114; Pl. Exs. 23, 24, 25, 26, 27, 29, 30, 31, 32, 33 and 34).

2. Sarah Colby discussed going to Nevada with Washington, D. C. attorney Norman Frost, who was Appleby's attorney (R. 107).

3. Addressing her as "My Precious," Appleby wrote to Sarah Colby, stating in part (Pl. Ex. 33, R. 154-155):

> "It was good talking to you last evening and to know that you too were working and right on the ball. I admit I am aching to get hold of F and get him in behind the Rockville gang but I will be patient and hope you find them there and in order—
>
> "I believe you should write F. a letter and tell him since you have been unable to get a property settlement that you are returning here as soon as your decree is granted and you will want him to negotiate a property settlement—Ask him everything you want to know—about going back to Cedar Pkwy changing locks etc etc — F is interested and glad to render service—I made it clear to him that I felt responsible for getting you into your present situation and I intended to see you through it. He is being paid so lets have him earn his fee—
>
> "Besides I have made him lots of money and he needs me much more than you need him. Write him freely or phone him and ask any question you have on your mind—and too ask him to do anything you want done—
>
> "Personally I have the feling [sic] that B has vacated or will vacate Cedar Pkwy before you return and that you can go there, change your locks (a one day job) change your 'phone and be independent, how-

ever if you feel you do want to wash your hands and wind up all of that location I am with you 100% and please know that there are no obstacles that we cannot overcome."

4. Immediately upon her arrival in Las Vegas, Mrs. Colby consulted an attorney, with whom arrangements had been previously made by Appleby's Washington lawyer (R. 54, etc.).

5. Sarah Colby made plans to return to the Washington area immediately after obtaining the divorce; she made reservations at the Fairfax Hotel in Washington for the first week of June of 1955 (R. 49).

6. On July 27, 1955 from Glencoe, Illinois, Sarah Colby wrote Ben Colby stating (Pl. Ex. 18, R. 141):

> "I will be coming to Washington sometime soon to attend to some business. Have you had the house put completely in my name so that I can stay there?"

7. Sarah Colby wrote to her daughter's school stating that because of family difficulty, she had to take Rob "out of town with me for several weeks" (Pl. Ex. 3; R. 137) and that "if on her return we would find that she is at all behind her class perhaps we could have her tutored" (Pl. Ex. 4, R. 137).

8. From Las Vegas, Sarah Colby wrote to her maid, Estelle White (Pl. Ex. 7, R. 138), "We hope it will not be too long before we see you."

9. Indicative of her intent not to remain in Nevada any longer than necessary to obtain a divorce is her letter to her husband stating (Pl. Ex. 8, R. 138):

> "Dear Ben—I feel very bitter about the dragging out of this divorce—8 more weeks. It is so needless and futile and works a great hardship on Rob and me."

10. Indicating that her sojourn in Nevada was only temporary, on May 12, 1955, Sarah Colby wrote to her daughter's teacher in Washington (Pl. Ex. 9, R. 138):

> "We had expected that Rob would be back in Washington long before this. However, we have been delayed and it now appears that she will not be back until the first or second of June.
>
> "I have waited this long to write you because I was still unsure of our return date—and I certainly hope that it has not caused you any inconvenience.
>
> ". . . On my return I hope I may talk with you about having Rob tutored to make up what she has missed."

11. On May 7, 1955, Sarah Colby wrote to her son that the divorce papers had been served on her husband "Wednesday—so that cuts down our time out here by 2 weeks" and that "We expect to be back in D.C. about May 30th" (Pl. Ex. 11, R. 139).

12. Again reflecting her desire to leave Nevada as soon as possible, Sarah Colby wrote her husband (Pl. Ex. 14, R. 139-140):

> "Why don't you come out here some time in the next 2 or 3 weeks and let us talk over things and try to arrive at some sort of an agreement. We are not getting anywhere this way and it is just costing me a lot more money.
>
> "You said this climate made you feel good anyway. My publication ended the 31st and I just have 3 more weeks—so you'd have to be here before the 21st. I can get the divorce then regardless of anything."

13. In a letter to her son, Mrs. Colby expressed her intention to return to her Maryland home, stating (Pl. Ex. 15, R. 140):

> "I just don't know about 5815 Cedar Pkwy. The lawyer says the court will award it to me—but I'm not

going to get a court order and put Ben out—so I'll just rent another. I've written asking him for it. But only get letters still arguing about who's wrong and who's right which of course makes no difference—anyone is always some of both."

14. In a letter from Scott Appleby to Sarah Colby, addressing her as "My Own Precious Girl," Appleby quotes romantic poetry and states: "I only hope the course you serve is worthy of the sacrifice we make." The letter closes with his protestation of love: "I am writing too much I fear—only try to tell you— I love you—Your devoted" (Pl. Ex. 23, R. 142-143).

15. In another letter, Appleby declares his love for "My Darling" stating (Pl. Ex. 24, R. 143-144):

> "I hope you are making the very most of each passing day—if my love can add to your happiness you may be supremely happy—you have all of the love of which I am capable—Your devoted."

16. In a "Happy Birthday" letter, dated August 28, 1954, Appleby leaves no doubt as to their relationship, stating (Pl. Ex. 25, R. 144-145).

> "Happy birthday to the sweetest, dearest, most wonderful girl in all the world. The girl who means so much to so many and who is so deserving of all of the best that life has to give."

17. In another letter, looking to their early reunion, Appleby wrote (Pl. Ex. 26, R. 145-146):

> "It seems a terribly long time since that July 13th evening—now a month away—yet in another way the days are moving swiftly—When you receive this there will be only two weeks until Sept. 1st and the anticipated joys of real happiness which will be mine thereafter will give us patience to endure them—"

18. Reaffirming his interest in the divorce litigation as the stepping stone to their reunion, Appleby wrote Mrs. Colby (Pl. Ex. 27, R. 146-147):

> "I feel sure that B. could never ask for a Jury trial because if he does he puts himself entirely in the hands of that court as to property settlement etc. And you will ask for plenty. There is no way of knowing, just wait and see, next whatever it is—this long fast between us is over—you and I are going to see plenty of each other after Apr. 20th. I have nothing to do except go where I want to go and I will want to be where you are.
>
> "... Just know I love you and am fighting with you every step of the way—All of my love X"

19. Sarah Colby made reservations in Las Vegas for one twin room in the name of Mr. and Mrs. Scott Appleby of 2530-? th Street, N. W., Washington, D. C. at the Riviera, Las Vegas, Nevada (Pl. Exs. 28A and 28B, R. 147-148).

20. In a letter, again saluting, "My Precious," Appleby confirms his role as mastermind of the divorce litigation. He states that he has talked with Mr. Frost, his attorney, about the prospects of going to Las Vegas and describes his plan of having Sarah Colby meet him in Los Angeles (Pl. Ex. 29, R. 148-149):

> "I have just talked to F and he advises against my going to L.V. He says OK if I could do so without anyone knowing it, but on account of the party we are dealing with, he would twist things around to suit his own ends. Of course no one there knows me and if I used an assumed name it might work. For reasons of F's it might be—for you not to stop at the—but elsewhere, but you know—would not mention to F an—about your coming to L.A.. Could we have any privacy at Chapman Park? The Biltmore is pretty bad in that respect. I don't want any visit that is punishment.
>
> "... I never dreamed that F would be so ultra conservative about my going to LV but he doesn't want

us to give him one thing to hit back with. We have been good soldiers for five months and as hard as it is we can stand it a few more weeks. Again I must leave all of this decision to you. I am happy to—what ever you decide is best—"

21. Further confirming his position at the helm in the voyage to obtain a quick ex parte divorce for Mrs. Colby, Appleby wrote (Pl. Ex. 30, R. 149-152):

"... [The Las Vegas attorney is] an unsatisfactory Atty—I hope you don't pay him any money tell him F will pay him.

"The failure to run the ad is inexcusable—I will tell he had better get another correspondent for future cases and also I will tell him to pay J, as little as possible—

"F phoned me last night shortly after our phone talk—told me service was obtained—Wednesday night the 4th. I immediately had Dot wire you. In fact I wrote the telegram but felt I should not sent it—... F selected him because—F thought J had great influence with the courts. I am afraid it would not be wise to change Attys now, altho I wish you could so—... I don't intend for you to have much time to yourself after you get here, with me in town. I have hoped you could return to Cedar Pkwy—Don't hesitate to write F for advice and information as to what you should do on your return. I really think you should write him, telling him you will have no property settlement but ½ of Pkwy house is yours—Maybe Nickey could get him out of the house for you—... Darling mine, please know we are on the job at this end of the line—" See also P. Ex. 33, R. 154-155 re Appleby's role in arrangements for the divorce.

22. In another letter commencing with "My Precious" Appleby indicates that he knows of Sarah Colby's desire to return to Washington by Stating (Pl. Ex. 31, R. 152-153):

"... Please don't go to Cedar Pkwy unless you know he has moved out."

23. Later Applyby reports on the Service of process on Sarah Colby's husband in Washington (Pl. Ex. 32, R. 153-154):

> "... I am terribly anxious to get a report from you about the papers being served and as to the date set for your hearing—My understanding from F was that he was served at 5815 Wednesday evening May 4th. F. say he called the Sheriff's office on the eve of the 5th and was given that report—so your hearing should be set for the 25th or 26th. Please keep on the job as to that point—"

24. In a letter of May 19th Appleby again indicates his desire to resume the relationship with Sarah Colby after she returns from Las Vegas by stating (Pl. Ex. 34, R. 156-157):

> "... I agree with you 100% that you should not return to Cedar Pkwy until that property is settled. I phoned Dot last evening to get space for you at the Fairfax for June 2nd ... Gee it will be just 'out of this world' to have you free and to have your companionship *again*—All of my love Precious" (Emphasis added).

Appleby also mentions that if Sarah Colby has any questions she should call his attorney, Frost (Pl. Ex. 34, R. 156-157):

> "Please don't hesitate to call F nights or Sundays—any time you are able to catch him—Make him get on the ball and too—ask him for suggestions and advice.
>
> "Darling—you were wonderful to phone me—now I feel sure the papers will be there on time I feel like a new person—Gee it will be wonderful beyond words to have you again—All of my love—Precious."

APPENDIX B

1. March 4, 1955—Mrs. Colby left Washington for Chicago (R. 35).

2. March 6, 1955—Mrs. Colby left Chicago for Las Vegas (R. 35).

3. March 7, 1955—Mrs. Colby arrived in Las Vegas (R. 30).

4. March 8, 1955—Mrs. Colby consulted with Las Vegas lawyer and by prearrangement of her Washington counsel (R. 32).

5. Some time in March or in the early part of April, Mrs. Colby made return reservation for April 25, 1955 (R. 41).

6. April 19, 1955—Mrs. Colby filed divorce suit in Nevada, exactly six weeks after her arrival (R. 43).

7. Some time in May of 1955 after hearing that Mr. Colby had been served on May 4th, she made the reservation at the Fairfax Hotel in Washington for the first week in June (R. 49).

8. June 9, 1955—Mr. Colby served in Washington with Nevada process. (R. 22).

9. June 30, 1955—Nevada decree of divorce granted, exactly twenty-one days after service of process (Mr. Colby had twenty days in which to answer) (R. 53).

10. July 12, 1955—Mrs. Colby left Las Vegas for Chicago after renting a room in Las Vegas which she never occupied (R. 54).

11. August 8 or 10, 1955—Mrs. Colby returned to Washington. (R. 61).

12. August 18, 1955—Mrs. Colby rented a house on Utah Avenue, N. W., Washington, D. C., (R. 62).

13. September 21, 1955—Mrs. Colby served with process in the instant suit (R. 78).

14. October 9, 1955—Mrs. Colby left for Las Vegas and rented another apartment there. However, she still kept the Utah Avenue house in Washington (R. 56).

15. December 1, 1955—Mrs. Colby traveled from Las Vegas, Nevada to Chicago, Illinois (R. 56).

16. December 7, 1955—Mrs. Colby arrived in the District of Columbia (R. 71).

17. January 6, 1956—Mrs. Colby left the District of Columbia for Chicago, Illinois (R. 71).

18. January 17, 1956—Mrs. Colby arrived in Las Vegas, Nevada (R. 71).

19. February 21, 1956—Mrs. Colby went through a purported marriage with Scott Appleby (R. 173).

APPENDIX C

1. During the latter part of 1952 or the early part of 1953, she consulted Mr. Godfrey Munter, a District of Columbia attorney, and for the first time conceived the idea of going to Nevada for a divorce (R. 32).

2. She knew she could get a divorce much sooner in Nevada than in Maryland (R. 31).

3. Prior to going to Las Vegas to obtain a divorce in March of 1955, she had only gone through there once on a train and had never gotten off the train. Before going to Las Vegas, she didn't know anything about the city, except that she could get a divorce there without having to wait. She stated that one of the advantages of living in Las Vegas is that the climate is wonderful. But when questioned why she didn't remain in Nevada during the

summer of 1955, she replied, "Have you ever been in Las Vegas in July and August? It is 110 degrees" (R. 33).

4. Her maid, Estelle White, testified that to her question, "When are you going to come back home?", Mrs. Colby replied, I will come back to live here but I won't live with Mr. Colby again" (R. 26).

5. With a check dated February 24, 1955, she bought Maryland license tags for her automobile (R. 35, 135).

6. Although her daughter was fond of their pet dog and they intended to keep the pet, they made no arrangements for the dog before going to Las Vegas, and in fact left it in Maryland (R. 37).

7. She did not resign from the Presidency of the Chevy Chase Garden Club, gave them no change of address, and well knew that the Garden Club had no members outside of the Washington area (R. 60).

8. At no time before March 4, 1955, or after January 6, 1956, did she give an address where her mail could be forwarded to her in Las Vegas (R. 86).

9. Prior to going to Nevada, or while in Nevada, there was no change of address for any of the many corporate dividend checks that she was receiving (R. 53).

10. She never resigned from the Women's Board of Trustees of the House of Mercy, a Washington, D. C. organization (R. 63).

11. The day after arriving in Las Vegas, she consulted an attorney; arrangements had been made previous to her arrival for her to consult this attorney about obtaining a divorce (R. 54).

12. She rented an automobile in Las Vegas, and gave her home address as Chevy Chase, Maryland (R. 47).

13. She engaged in no club activities of any kind in Nevada (R. 55).

14. In correspondence to the officials of her daughter's school in Washington, she indicated that her daughter

would return to the school in Washington in the near future (Pl. Ex. 3, R. 137, and Pl. Ex. 4, R. 137, R. 43-44).

15. On May 7, 1955, she wrote to her son, Tuck, at Harvard, and stated, "Second—is that the papers were served on Ben Wednesday . . . so that cuts down our time out here by two weeks" (R. 139).

16. A letter written by Sarah Colby to a friend in March of 1955 stated, "We cannot file suit until after the 44th day of residence and then if Ben doesn't contest out here it will take weeks longer. He just wrote me that he would not put himself under the jurisdiction of the Nevada courts, that instead, he would wait until I return, have the divorce set aside, or legally declared illegal, so I have to be especially careful about my residence here. Also, I can't write him and bargain because I can't even suggest I would be returning to Washington or that this wasn't my permanent residence" (R. 42).

17. Mrs. Colby made reservations at the Fairfax Hotel in Washington for the first week of June, 1955 (R. 49).

18. About June of 1955, she rented a room in Las Vegas, paying $150, in order to leave her clothes there, but never spent even one night to sleep in that room (R. 73). In fact, two-thirds of time after Sarah Colby came to Nevada was spent away from Nevada (R. 70).

19. In a letter written to her son, Tuck, at Harvard in July, 1955, while she was staying in her mother's home in Glencoe, Illinois, she wrote, "Since I had to get my divorce by default . . . Ben has six months in which to appeal it . . . if he can find any grounds in which he can do that. Therefore, I cannot return to Washington and set up a home until after January 1, and I have to keep a room rented in Las Vegas for my permanent residence until then also. That means I have to send Rob to boarding school as I can stay in D. C. only three or four weeks at a time" (R. 64).

20. On July 27, 1955, from Glencoe, Illinois, she wrote to Ben Colby and stated, "I will be coming to Washington sometime soon to attend to some business. Have you had the house put completely in my name so I can stay there" (R. 141).

21. During the summer of 1955, Sarah Colby wrote to the Social Register, giving her permanent address as Chevy Chase, Maryland (R. 59).

22. While in Las Vegas, Mrs. Colby did not gamble or engage in the other usual activities there (R. 33).

23. While in the District of Columbia, after returning from Las Vegas, she continued to use her Garfinckel's charge account with a Chevy Chase address (R. 75-76).

APPENDIX D

Chevy Chase, Maryland and East	Las Vegas, Nevada
Spacious private home in Maryland	Meager apartment in Nevada (R. 38)—never made an offer to buy a home in Nevada (R. 95)
Philanthropic Interests: Garden Club of Chevy Chase (R. 90, 29) House of Mercy (R. 29) Board of Directors YWCA (R. 30) Planned Parenthood (R. 29) National Society of Colonial Dames of America (R. 92) Social Register of Washington (R. 59) Many relatives and friends in Maryland	No philanthropic interests in Nevada (R. 55) No relatives or close friends West of the Mississippi (R. 46)
Children's Schools: Harvard (R. 46) Princeton (R. 46) Holton Arms, Washington, D.C. (R. 34)	

APPENDIX D—Continued

CHEVY CHASE, MARYLAND AND EAST	LAS VEGAS, NEVADA
Automobile registered in Maryland, February 24, 1955, the same day reservations were made for her to go to Nevada (R. 35, 135)	Automobile rented in Las Vegas, but Maryland address given (R. 39)
All of Mrs. Colby's belongings left in Chevy Chase home with sole exception of two suitcases (R. 36)	Only belongings in Nevada were in two suitcases (R. 57)
Physical Presence: Two thirds of time spent outside of Nevada (R. 70)	One-third of time after Sarah Colby originally came to Nevada was spent outside of State (R. 70)
Mail: Never changed permanent mailing address to Las Vegas (R. 37)	Some personal mail forwarded to her mother's home in Illinois (R. 37)
Bank accounts in Maryland and District of Columbia retained (R. 87)	Only one bank account opened—The First National Bank of Nevada in Las Vegas (R. 87)
Corporation Dividend Checks: No change in address from Chevy Chase, Maryland, to Las Vegas, Nevada (R. 53)	
Charge Accounts: Retained her charge accounts in Washington, D.C. department stores (R. 75-76)	No known charge accounts in Nevada
Alleged need for new climate: No evidence of any medical need for a change of climate (R. 38)	
Attorneys: For various matters, continued to use Washington attorneys (R. 107)	Attorney in Nevada obtained through Appleby's attorney, Frost, in Washington for purposes of divorce only (R. 107, 39)

APPENDIX E

ALLEGED NEVADA ATTACHMENT	THE FACTS
Nevada auto registration and license	Applications made and automobile purchased *after* Mrs. Colby had obtained the Nevada divorce (R. 91)
Nevada voting registration	Obtained in October, 1955 (Mrs. Colby refused to answer whether this was done after consulting her attorney (R. 94)
Apartment and room in Las Vegas	Never used her Nevada room at all; letter to her son practically admitted this was done as camouflage (R. 64, 73)
Employment in Nevada	Started October 1955; worked only a short time—one day—not needed for financial purposes (R. 79)
Social security card	Only obtained social security card after served with process in the Maryland case (R. 9)
Accepted $2,000 from her aunt to use as down payment for house in Nevada	Never made an offer to buy a home in Nevada (R. 95)